REMARKS

In response to the Office Action dated May 30, 2003, claims 1, 16 and 22-29 have been amended. Claims 1-29 continue to be in the case. The Applicants respectfully request reexamination and reconsideration of the present application.

Record is made of a telephonic interview between Applicants' attorney Edmond A. DeFrank and Examiner Dr. Hugh Jones on August 26, 2003. The Office Action of May 30, 2003, the cited references, the specification and the pending claims were discussed. A proposed amendment modifying claims 1, 16 and 22 was discussed during the interview. Although no agreement was reached, the above amendments to the claims reflect the discussion between the Examiner and the Applicants' attorney during the interview.

The Office Action rejected claims 22-29 under 35 U.S.C. § 101, as being directed to non-statutory subject matter.

The Applicant respectfully traverses this rejection. However, in an effort to expedite the prosecution of this case, the Applicant has amended the claims as suggested by the Examiner to overcome the rejection.

The Office Action rejected claims 1-29 under the judicially created doctrine of obviousness-type double patenting.

The Applicant respectfully traverses this rejection. However, in an effort to expedite the prosecution of this case, the Applicant's attorney submits herewith a Terminal Disclaimer as suggested by the Examiner to overcome the rejection.

The Office Action rejected claims 1-15 under 35 U.S.C. § 102(b), as being anticipated by Loopik et al. or Quintero et al. or Hekmatpour.

The Applicant respectfully traverses this rejection under U.S.C. § 102(b) based on the arguments below and the **amendments to the claims**.

The Applicant's invention in claim 1 recites in part "...using a probabilistic model with **fuzzy inferencing** to identify and rank condition sets of the current design information against the historical design information to identify design errors during designing of the integrated circuit..."

In contrast, neither Loopik et al., Quintero et al. nor Hekmatpour disclose the above mentioned features of the Applicant's claimed invention. According to the *MPEP*, "[A] claim is anticipated **only if** each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." [*emphasis added*] *MPEP* 2131, citing Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d

8

1051, 1053 (Fed. Cir. 1987). Therefore, the Applicants respectfully submit that the rejection should be withdrawn.

The Office Action rejected claims 16-29 under 35 U.S.C. § 103(a) as being unpatentable over Loopik et al. Also, the Office Action rejected claims 16-29 under 35 U.S.C. § 103(a) as being unpatentable over Quintero et al. or Hekmatpour in view of Loopik et al.

The Applicant respectfully traverses these rejections under U.S.C. § 103(a) based on the arguments below and the **amendments to the claims**.

Claim 16 recites in part "...a probabilistic model that uses fuzzy inferencing to determine conditional relationships..." and "...a dynamic data matrix comprising <u>a</u> <u>dynamic data-structure that includes</u> current design information, the conditional relationships between the at least one design error, and the attributes of the current design having the probabilistic relationships to the at least one design error<u>, design</u> <u>tasks, design-space state conditions, condition density, and error density to identify</u> <u>design errors during designing of the integrated circuit</u>." Claim 22 recites in part "...using a probabilistic Bayesian Belief network model with <u>fuzzy inferencing</u> to identify and rank condition sets of the current design information against the historical design information to identify design errors during designing of the integrated circuit..."

In contrast, with regard to claims 16-21, the Applicant contends that **none** of the cited references, in combination or alone, disclose, teach or suggest the Applicant's claimed "...using a probabilistic model with **fuzzy inferencing** to <u>identify and rank</u> condition sets of the current design information against the historical design information to identify design errors during designing of the integrated circuit..." and "...a dynamic data matrix comprising a dynamic data-structure that includes current design information, the conditional relationships between the at least one design error, and the attributes of the current design having the probabilistic relationships to the at least one design error<u>, design</u> <u>tasks, design-space state conditions, condition density, and error density to identify design</u> <u>errors during designing of the integrated circuit</u>.
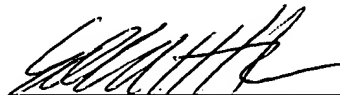
Next, with regard to claims 22-29, the Applicant contends that **none** of the cited references, in combination or alone, disclose, teach or suggest the Applicant's claimed "...probabilistic Bayesian Belief network model that uses fuzzy inferencing to determine conditional relationships..."

9

According to case law and the MPEP, all of the claimed elements of an Applicant's invention **must be considered**. If **one** of the elements of the Applicant's invention is missing from or not taught in the cited references and the Applicant's invention has advantages not appreciated by the cited references, then no prima facie case of obviousness exists. ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). MPEP 2143.01. Since the references in combination are missing the Applicant's above-argued limitations, the Applicant submits that the rejections should be withdrawn because the cited references cannot render the Applicant's claims obvious. In re Fine. Therefore, the Applicants respectfully submit that the claims are patentable.

With regard to the dependent claims, since they depend from the above-argued respective independent claims, they are therefore patentable on the same basis. (MPEP § 2143.03).

In view of the above arguments, it is respectfully submitted that the claims are in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw any outstanding claim rejections and to pass this application to issue. Additionally, in an effort to expedite and further the prosecution of the subject application, the Applicants kindly invite the Examiner to telephone the Applicants' attorney at (818) 885-1575 if the Examiner has any questions or concerns.

Respectfully submitted,
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